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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

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WALTER A. Y. H. CHINN, CLERK

Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 00-00216 HG/BMK
)	
Plaintiff,)	FIRST SUPERSEDING INDICTMENT
)	[18 U.S.C. §§ 982, 1955,
vs.)	1956(a)(1)(A)(i) and (h)]
)	
CONSTANCIO GUERRERO,	(06))
SHANE SOARES,	(07))
)	
Defendants.)	
)	

FIRST SUPERSEDING INDICTMENT

COUNT 1
(18 U.S.C. § 1955)

The Grand Jury charges that:

From a time unknown to the grand jury but by at least August 1997 and continuing thereafter to on or about sometime in April 2000, in the District of Hawaii and elsewhere, CONSTANCIO GUERRERO and SHANE SOARES, defendants herein, and Randolph

Mousser, James Mousser, Ernesto Deleon, Frankie Amano, Gustancia Roach, and Oliver Kupau, who are not named as defendants in this indictment did unlawfully and knowingly conduct, finance, manage, supervise, direct and own all or part of an illegal gambling business, said illegal gambling business involving cockfighting, card, dice and other illegal gambling activities, located in Ewa and on Hakimo Road, Waianae, Oahu, in violation of the laws of the State of Hawaii (Hawaii Revised Statute § 712-1221), in which said business was conducted; which illegal gambling business involved, during the period aforesaid, five or more persons who conducted, financed, managed, supervised, directed and owned all or a part thereof; and which gambling business remained in substantially continuous operation for a period in excess of thirty days and had a gross revenue in excess of \$2,000 in a single day.

All in violation of Title 18, United States Code, Section 1955, and Title 18, United States Code, Section 2.

COUNT 2

The Grand Jury further charges that:

A. Introduction

At all times material to this indictment:

1. CONSTANCIO GUERRERO, defendant herein, date of birth, September 19, 1938 was a resident of Hawaii; and

2. SHANE SOARES, defendant herein, date of birth, March 19, 1969 was a resident of Hawaii.

B. The Conspiracy

From on or about August 28, 1997, to on or about sometime in April, 2000, in the District of Hawaii and elsewhere, CONSTANCIO GUERRERO and SHANE SOARES, defendants herein, and Randolph Mousser, James Mousser, Ernest Deleon, Frankie Amano, Gustancia Roach, and Oliver Kupau, who are not named as defendants herein, did knowingly and intentionally and unlawfully combine, conspire, confederate and agree with other persons known and unknown to the Grand Jury to engage in the laundering of monetary instruments, that is, to knowingly and willfully conduct and attempt to conduct, a financial transaction affecting interstate and foreign commerce, to wit, the movement of funds (U.S. currency), which involved the proceeds of specified unlawful activity, that is, an illegal gambling business in violation of Title 18, U.S.C. § 1955, and also that while conducting and attempting to conduct such financial transaction, knew that the property involved in the financial transaction represented the proceeds of specified unlawful activity, with the intent to promote the carrying on of specified unlawful activity, to wit, illegal gambling businesses, in violation of 18 U.S.C. § 1955.

C. The Manner and Means of the Conspiracy

1. It was a part of the conspiracy that CONSTANCIO GUERRERO and SHANE SOARES defendants herein, and Randolph Mousser, James Mousser, Ernesto Deleon, Frankie Amano, Gustancia Roach, and Oliver Kupau, who are co-conspirators but not named as defendants in this indictment, ran cockfights and other illegal gambling operations in Ewa, Oahu.

2. It was also a part of the conspiracy that CONSTANCIO GUERRERO and SHANE SOARES, defendants herein, together with Randolph Mousser, James Mousser, Ernesto Deleon, Frankie Amano, Gustancia Roach, and Oliver Kupau, ran cockfights and other illegal gambling operations on Hakimo Road in Waianae, Oahu.

3. It was also a part of the conspiracy that Randolph Mousser provided "protection" for the cockfights and other illegal gambling operations in Ewa and on Hakimo Road by preventing disruptions from competitors and otherwise assisting the illegal gambling business.

4. It was also a part of the conspiracy that CONSTANCIO GUERRERO and SHANE SOARES, defendants herein, and James Mousser, Ernesto Deleon, Frankie Amano, Gustancia Roach, and Oliver Kupau, who are co-conspirators but not named as defendants herein, made cash payments to a Honolulu Police Department ("HPD") Officer who posed as a corrupt officer willing

to accept bribes in exchange for warning them of HPD gambling raids and otherwise assisting the illegal gambling business.

D. Overt Acts

In furtherance of the conspiracy and to effect its objects, CONSTANCIO GUERRERO AND SHANE SOARES, defendants herein, and Randolph Mousser, James Mousser, Ernesto Deleon, Frankie Amano, Gustancia Roach, and Oliver Kupau, who are co-conspirators but not named as defendants herein, committed the following overt acts:

I. Ernesto Deleon made or caused the following cash transactions to be made to a Honolulu Police Department Officer posing as a corrupt law enforcement officer willing to accept bribes in exchange for warning them of HPD raids and otherwise assist the illegal gambling business:

<u>OVERT ACTS</u>	<u>TRANSACTION DATE</u>	<u>TRANSACTION AMOUNT</u>
1	08/28/97	\$500.00
2	09/17/97	\$200.00
3	09/26/97	\$200.00
4	10/07/97	\$200.00
5	11/14/97	\$300.00
6	12/02/97	\$1,100.00
7	12/10/97	\$400.00
8	12/14/97	\$425.00
9	12/16/97	\$300.00
10	12/23/97	\$1,900.00

11	12/30/97	\$1,600.00
12	01/06/98	\$1,000.00
13	01/13/98	\$1,900.00
14	01/21/98	\$2,200.00
15	01/27/98	\$1,200.00
16	02/02/98	\$1,700.00
17	02/09/98	\$2,600.00
18	02/17/98	\$1,500.00
19	02/24/98	\$5,000.00
20	03/03/98	\$2,000.00
21	03/10/98	\$1,200.00
22	03/17/98	\$2,000.00
23	03/25/98	\$2,000.00
24	04/01/98	\$1,000.00
25	04/07/98	\$2,500.00
26	04/14/98	\$1,000.00
27	04/28/98	\$7,200.00
28	05/06/98	\$1,200.00
29	05/12/98	\$3,000.00
30	05/19/98	\$1,200.00
31	05/26/98	\$3,000.00
32	06/02/98	\$1,800.00
33	06/09/98	\$1,600.00
34	06/16/98	\$600.00
35	06/23/98	\$1,000.00
36	06/30/98	\$500.00
37	07/07/98	\$300.00

38	07/14/98	\$1,600.00
39	07/21/98	\$300.00
40	08/11/98	\$3,500.00
41	08/25/98	\$500.00
42	12/16/98	\$2,100.00
43	01/08/99	\$1,906.00
44	01/20/99	\$400.00
45	02/04/99	\$3,718.00
46	02/18/99	\$2,285.00
47	02/25/99	\$1,575.00
48	03/01/99	\$300.00
49	03/15/99	\$4,510.00
50	04/05/99	\$5,280.00
51	04/23/99	\$4,486.00
52	05/11/99	\$3,176.00
53	10/13/99	\$11,000.00

II. Frankie Amano made or caused the following cash transactions to be made to a Honolulu Police Department Officer posing as a corrupt law enforcement officer willing to accept bribes in exchange for warning them of HPD gambling raids and otherwise assist the illegal gambling business:

<u>OVERT ACTS</u>	<u>TRANSACTION DATE</u>	<u>TRANSACTION AMOUNT</u>
54	12/15/98	\$300.00
55	12/22/98	\$500.00
56	12/29/98	\$500.00
57	01/05/99	\$500.00

58	01/12/99	\$500.00
59	01/19/99	\$500.00
60	01/25/99	\$600.00
61	02/02/99	\$500.00
62	02/09/99	\$900.00
63	02/16/99	\$500.00
64	02/23/99	\$200.00
65	03/02/99	\$300.00
66	03/23/99	\$800.00
67	04/20/99	\$700.00
68	06/01/99	\$200.00
69	06/29/99	\$1,000.00
70	07/13/99	\$300.00
71	08/03/99	\$600.00
72	03/03/00	\$300.00
73	04/04/00	\$1,200.00
74	04/25/00	\$350.00

III. Defendant SHANE SOARES made or caused the following cash transactions to be made to a Honolulu Police Department Officer posing as a corrupt law enforcement officer willing to accept bribes in exchange for warning them of HPD gambling raids and otherwise assist the illegal gambling business:

<u>OVERT ACT</u>	<u>TRANSACTION DATE</u>	<u>TRANSACTION AMOUNT</u>
75	03/24/99	\$800.00
76	04/22/99	\$1,000.00
77	04/29/00	\$4,000.00

IV. Defendant CONSTANCIO GUERRERO made or caused the following cash transactions to be made to a Honolulu Police Department Officer posing as a corrupt law enforcement officer willing to accept bribes in exchange for warning them of HPD gambling raids and otherwise assist the illegal gambling business:

<u>OVERT ACTS</u>	<u>TRANSACTION DATE</u>	<u>TRANSACTION AMOUNT</u>
78	08/28/97	\$500.00 \$500.00 <i>on A</i>
79	09/17/97	\$200.00
80	09/26/97	\$200.00
81	10/07/97	\$200.00
82	12/02/97	\$1,100.00
83	12/10/97	\$400.00

84. On March 31, 1998, Oliver Kupau gave a cash transaction in the amount of \$5,100 to a Honolulu Police Department Officer posing as a corrupt law enforcement officer willing to accept bribes in exchange for warning them of HPD gambling raids and to otherwise assist the illegal gambling business.

All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i) and (h).

COUNT 3

The Grand Jury further charges that:

A. Upon conviction of the offenses alleged in Count 2, CONSTANCIO GUERRERO and SHANE SOARES, defendants herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1) any and all property, real or personal,

involved in such offenses or any property traceable to such property, including but not limited to the following:

The sum of money equal to the sum of approximately \$126,111.00

B. If any of the above-described forfeitable property, as a result of any act or omission of the defendants--

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States pursuant to Title 18, United States Code, Section 982(b)(1) to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Section 982.

COUNTS 4-6

The Grand Jury further charges that:

On or about the following dates, in the following amounts, set forth in tabular form below, in the District of Hawaii, defendant SHANE SOARES, did knowingly conduct and attempt to conduct a financial transaction affecting interstate and

foreign commerce, to wit, the movement of funds (U.S. currency), which involved the proceeds of specified unlawful activity, that is, an illegal gambling business in violation of Title 18, United States Code, Section 1955, and also that while conducting and attempting to conduct such financial transaction, knew that the property involved in the financial transaction represented the proceeds of specified unlawful activity, with the intent to promote the carrying on of specified unlawful activity, to wit, an illegal gambling business, a violation of 18 U.S.C. § 1955, with each transaction representing a separate count of this indictment:

<u>COUNT</u>	<u>TRANSACTION DATE</u>	<u>TRANSACTION AMOUNT</u>
4	03/24/99	\$800.00
5	04/22/99	\$1,000.00
6	04/29/00	\$4,000.00

All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i).

COUNT 7

The Grand Jury further charges that:

A. Upon conviction of the offenses alleged in Counts 4-6, SHANE SOARES, defendant herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1) any and all property, real or personal, involved in

such offenses or any property traceable to such property, including but not limited to the following:

The sum of money equal to the sum of approximately \$5,800.00

B. If any of the above-described forfeitable property, as a result of any act or omission of the defendants--

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States pursuant to Title 18, United States Code, Section 982(b)(1) to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

All in violation of Title 18, United States Code, Section 982.

COUNTS 8-13

(18 U.S.C. § 1956(a)(1)(A)(i))

The Grand Jury further charges that:

On or about the following dates, in the following amounts, set forth in tabular form below, in the District of

Hawaii, defendant CONSTANCIO GUERRERO, did knowingly conduct and attempt to conduct a financial transaction affecting interstate and foreign commerce, to wit, the movement of funds (U.S. currency), which involved the proceeds of specified unlawful activity, that is, an illegal gambling business in violation of Title 18, United States Code, Section 1955, and also that while conducting and attempting to conduct such financial transaction, knew that the property involved in the financial transaction represented the proceeds of specified unlawful activity, with the intent to promote the carrying on of specified unlawful activity, to wit, an illegal gambling business, a violation of 18 U.S.C. § 1955, with each transaction representing a separate count of this indictment:

<u>COUNT</u>	<u>TRANSACTION DATE</u>	<u>TRANSACTION AMOUNT</u>
8	08/28/97	\$500.00
9	09/17/97	\$500.00
10	09/26/97	\$200.00
11	10/07/97	\$200.00
12	12/02/97	\$1,100.00
13	12/10/97	\$400.00

All in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i).

COUNT 14

The Grand Jury further charges that:

A. Upon conviction of the offenses alleged in Counts 8-13, CONSTANCIO GUERRERO, defendant herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1) any and all property, real or personal, involved in such offenses or any property traceable to such property, including but not limited to the following:

The sum of money equal to the sum of approximately \$2,900.00

B. If any of the above-described forfeitable property, as a result of any act or omission of the defendants--

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States pursuant to Title 18, United States Code, Section 982(b)(1) to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

All in violation of Title 18, United States Code,
Section 982.

DATED: 6/19/02, Honolulu, Hawaii.

A TRUE BILL


FOREPERSON, GRAND JURY

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United States v. Constancio Guerrero & Shane Soares

Cr. No. 00-00216 -06 & -07 HG

"First Superseding Indictment"